



Broadcasting Act 1990

1990 CHAPTER 42

PART I

INDEPENDENT TELEVISION SERVICES

CHAPTER V

ADDITIONAL SERVICES PROVIDED ON TELEVISION BROADCASTING FREQUENCIES

53 Duration of licences, and renewal of licences for provision of services on assigned frequencies

- (1) A licence for the provision of additional services on a frequency notified to the Commission under section 48(1)(b) shall not continue in force beyond such date as may be specified by the Secretary of State in relation to that frequency under section 48(5); and a licence for the provision of such services on a frequency assigned under section 65(1)—
 - (a) shall, subject to the provisions of this Part, continue in force for a period of ten years, and
 - (b) may (subject to the following provisions of this section) be renewed on one or more occasions for a period of ten years beginning with the date of renewal.
- (2) An application for the renewal of a licence under subsection (1) may be made by the licence holder not earlier than four years before the date on which it would otherwise cease to be in force and not later than the relevant date.
- (3) In its application to a licence for the provision of additional services on a frequency used for the broadcasting of a domestic satellite service—
 - (a) subsection (1) shall have effect with the substitution of “fifteen years” for “ten years” in both places where those words occur; and
 - (b) subsection (2) shall have effect with the substitution of “five years” for “four years”.

Status: This is the original version (as it was originally enacted).

- (4) Where an application is made for the renewal of a licence under subsection (1) before the relevant date, the Commission may postpone the consideration of it by them for as long as they think appropriate having regard to subsection (9).
- (5) Where an application for the renewal of an additional services licence has been duly made to the Commission, they may only (subject to subsection (6)) refuse the application if—
 - (a) they are not satisfied that any additional service specified in the technical plan submitted under section 50(3)(b) would, if the licence were renewed, be provided as proposed in that plan, or
 - (b) they propose to grant a fresh additional services licence for the provision of any additional service which would differ in any material respect from any such service authorised to be provided under the applicant's licence, or
 - (c) they propose to determine that all or part of the spare capacity allocated by the licence is to cease to be available for the provision of additional services in order that it may be used by any relevant person for the purpose of enhancing the technical quality of his television broadcasting service;

and in paragraph (c) "relevant person" means the person providing a television broadcasting service on whose frequency the licensed service has been provided.
- (6) Section 17(5) to (7) shall apply in relation to an applicant for the renewal of an additional services licence as those provisions apply in relation to such an applicant as is mentioned in section 17(5), but as if—
 - (a) any reference to the awarding of a Channel 3 licence to the applicant were a reference to the renewal of the applicant's licence under this section; and
 - (b) in section 17(7), the reference to section 19(1) were a reference to section 52(1).
- (7) On the grant of any such application the Commission—
 - (a) shall determine an amount which is to be payable to the Commission by the licence holder in respect of the first complete calendar year falling within the period for which the licence is to be renewed; and
 - (b) may specify a different percentage from that specified under section 50(1)(d) (i) as the percentage of qualifying revenue for each accounting period of his that will be payable by the applicant in pursuance of section 52(1)(c) during the period for which the licence is to be renewed;

and the Commission may specify under paragraph (b) either of the things mentioned in section 50(2).
- (8) The amount determined by the Commission under subsection (7)(a) in connection with the renewal of a licence shall be such amount as would, in their opinion, be payable to them by virtue of section 52(1)(a) if they were granting a fresh licence to provide the additional services in question.
- (9) Where the Commission have granted a person's application under this section they shall formally renew his licence not later than the relevant date or, if that is not reasonably practicable, as soon after that date as is reasonably practicable; and they shall not so renew his licence unless they have notified him of—
 - (a) the amount determined by them under subsection (7)(a), and
 - (b) any percentage specified by them under subsection (7)(b),

and he has, within such period as is specified in that notification, notified them that he consents to the licence being renewed on those terms.

- (10) Where an additional services licence is renewed under this section—
- (a) any conditions included in it in pursuance of section 52 shall have effect during the period for which the licence has been renewed—
 - (i) as if the amount determined by the Commission under subsection (7)(a) above were an amount specified in a cash bid submitted by the licence holder, and
 - (ii) subject to any determination made under subsection (7)(b) above; and
 - (b) (subject to paragraph (a)) that section shall have effect in relation to the period for which the licence has been renewed as it has effect in relation to the period for which an additional services licence is originally in force.
- (11) In this section “the relevant date”, in relation to an additional services licence, means the date which the Commission determine to be that by which they would need to publish a notice under section 50 if they were to grant, as from the date on which that licence would expire if not renewed, a fresh licence to provide the additional services formerly provided under that licence.